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09/454,492	12/06/1999	CLAUDIO R. BALLARD	P43312	3808
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Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			EXAMINER WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
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			10/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Art Unit: 3693

I/Richard C Weisberger/

Primary Examiner, Art Unit 3693t is the examiners position that the finality status is proper as it was responsive to claims amendments to the non-final office action. The applicant is invited to schedule an after final interview for assistance with advancing this case.

The rejection under 102(b) over US Patent 5559313 of claims 58-59,61-64,66-69 has not been overcome. as the steps of capturing, managing, collecting and transmitting each read on the steps within the credit card processing functionality. It is the examiner's position that the claims read on conventional credit card/smart card processing. As to the subsystem identification limitation, it is the examiner's position that the "store name" reads on a subsystem identification (see, col. 3. lines 29-33) as the store name like the subsystem identifies the source of the transaction. As to the encryption step, it is the examiner's position that the credit card number, store identification number and charge amount are inherently encrypted when sent to the credit card processor. It is the examiners position that encryption reads on any function that secures the data transmission and that credit card numbers are inherently encrypted within a credit card processing system. As to the other limitations of claim 59, limitation 1 reads on the use of the smart card or alternatively the use of a credit card, limitation 2, reads on routing the transaction information to the classification tables or alternatively on routing the information to the credit card merchant account processor, limitation 4, reads on sending the information to the credit card merchant account processor, and limitation 5, again reads on sending the information to the credit card processor.

The rejection under 103 over claims 71-74 and 79 has not been overcome as the reference fails to teach the transaction data obtained from electronic transaction from smart cards. It would have been obvious for one skilled in the art to have used a smart card as the merchant field recognizes that a smart card is an art recognized alternative to credit cards and often includes all the functionality of a credit card. As to

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the use of biometric data, it would have been obvious for one skilled in the art to add biometric identification to the credit card process as motivated by the need to decrease fraud.

/Richard C Weisberger/

Primary Examiner, Art Unit 3693

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